

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use at 1 Nunery Lane, Catonsville, Baltimore County, Maryland, as a grocery store.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
 (Type or Print Name)
 Signature
 Address
 City and State
 Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City and State
 Attorney's Telephone No.: 301-539-3070

Legal Owner(s):
 Donald G. Furbie
 (Type or Print Name)
 Signature
 Address
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Joseph F. Zauner, III, Attorney
 Name
 Address
 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of October, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of November, 1984, at 10:00 o'clock A.M.

Carl J. J...
 Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 SUBJECT: Zoning Petition No. 85-148-SpH
 Date: November 14, 1984

In view of the subject of this petition, this office offers no comment.

Norman E. Gerber
 Norman E. Gerber, Director
 Office of Planning and Zoning

NEG:JGH:bjs

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 19, 1984

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204
 000
 Nicholas S. Commodari
 Chairman

Joseph F. Zauner, III, Esquire
 110 E. Lexington Street
 Suite 300
 Baltimore, Maryland 21202

RE: Case No. 85-148-SpH (Item No. 105)
 Petitioner - Donald G. Furbie, et ux
 Special Hearing Petition

Dear Mr. Zauner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to prove that the existing use is a legal nonconforming use, this hearing is required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas S. Commodari
 NICHOLAS S. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

ENCLOSURE

cc: Gehold, Cross & Etzel
 112 Delaware Avenue
 Towson, Maryland 21204

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 NORMAN E. GERBER
 DIRECTOR

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Zoning Advisory Meeting of 10/23/84
 Item # 105
 Property Owner: Donald G. Furbie, et ux
 Location: NE/S Nunery Lane
 N/W of Frederick Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A recent plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by §111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by §111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

Provision for parking must be shown on the plan. The existing parking space must be shown.

James A. Howell
 James A. Howell
 Chief, Current Planning and Development

BALTIMORE COUNTY
 DEPARTMENT OF TRAFFIC ENGINEERING
 TOWSON, MARYLAND 21204
 494-3550

STEPHEN E. COLLINS
 DIRECTOR

November 20, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 105 -ZAC- October 23, 1984
 Property Owner: Donald G. Furbie, et ux
 Location: NE/S Nunery Lane 171.7' N/W from Frederick Road
 Existing Zoning: D.R. 10-5
 Proposed Zoning: Special Hearing to allow a non-conforming use of a grocery store.

Acres: 50 X 290
 District: 1st

Dear Mr. Jablon:

If this site is found to be a non-conforming use, we have no comments; if found to be a conforming use, then the site will be required to meet all County standards.

Michael S. Flanagan
 Michael S. Flanagan
 Traffic Engineering Assoc. II

MSF/cam

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2586
 494-4500

PAUL H. RENCKE
 CHIEF

November 7, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Donald G. Furbie, et ux

Location: NE/S Nunery Lane 171.7' N/W from Frederick Rd.

Item No.: 105 Zoning Agenda: Meeting of 10/23/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [blank] EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *George M. Hageman*
 Noted and Approved: George M. Hageman
 Fire Prevention Bureau
 Special Inspection Division

/ms

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

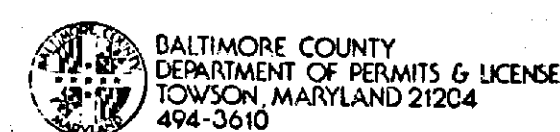
County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of October, 1984.

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

Petitioner: Donald G. Furbie, et ux
 Petitioner's Attorney: Joseph F. Zauner, III
 Received by: Nicholas S. Commodari
 Chairman, Zoning Plans Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

November 1, 1984

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #105 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald G. Furbee, et ux
Location: NE/8 Nunnery Lane 171.7' N/W from Frederick Road
Existing Zoning: D.R. 10, S
Proposed Zoning: Special Hearing to allow a non-conforming use of a grocery Store

Address: 50 x 290
District: 1st.

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Building and Code, and other applicable Codes.
- A building permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction; no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.
- Requested variance appears to conflict with the Baltimore County Building Code, Section 4.
- A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

Comments - It appears Section 103.1 as amended in Bill 1-82 would be applicable. Any alterations shall comply to Items A, B and D above.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

MICROFILMED

Very truly yours,
Charles E. Burnham, Chief
Plans Review

CEB:es



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE/8 of Nunnery La., 171.7' :
NW of the Centerline of : OF BALTIMORE COUNTY
Frederick Rd. (1 Nunnery La.) :
1st District :
DONALD G. FURBEE, et ux, : Case No. 85-148-SPH
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Joseph E. Zauner, III, Esquire, 110 E. Lexington St., Suite 300, Baltimore, MD 21202, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

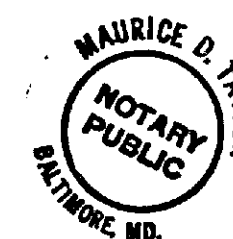
longer concerning most of the years of this relationship.
4. That the above statements are made upon his personal knowledge and that he is competent to testify to the matters and facts stated herein.

As witness his and my hands and seals this 4 day of September, 1984.

Frank H. Falter, Senior
Frank H. Falter, Senior (SEAL)

Notary Public

My Commission Expires: July 1, 86



IN THE MATTER OF * BEFORE THE ZONING
THE PETITION OF * COMMISSIONER OF
DONALD G. FURBEE * BALTIMORE COUNTY,
AND KAREN L. FURBEE * MARYLAND
FOR APPROVAL OF A *
NONCONFORMING USE *

AFFIDAVIT OF FRANK H. FALTER, SENIOR

STATE OF MARYLAND) ss
COUNTY OF BALTIMORE)

Before me, a Notary Public in and for the State and County aforesaid, personally appeared Frank H. Falter, Senior, and after being duly sworn under oath according to law, did depose and state as follows:

1. That he is seventy years of age and has resided at 115 N. Symington Avenue, Catonsville, Maryland 21228 since 1939. That this location is approximately one and one half blocks away from the grocery store at Number One Nunnery Lane, Catonsville, Maryland.

2. That he and his family have shopped at this grocery store regularly since it was originally constructed as "Teitelbaum's", the original name of the grocery store. To the best of his recollection the premises has been in continuous operation as a grocery store since its original construction in 1939.

3. That he is currently an officer of the George J. Falter Company, Inc. of Baltimore City, Maryland a wholesale candy and tobacco distributor. This company was founded by his grandfather George J. Falter in the previous century. To the best of his knowledge, the George J. Falter, Inc. has continuously done with the proprietor of the grocery store located at One Nunnery Lane, Catonsville, Maryland, although business records do not exist any

MICROFILMED

Liber 1059

123

N. 36 minutes east 100 feet thence leaving said avenue and running for a new division line south 60 degrees 24 minutes east 409.09 feet to intersect the eastern outline of the lot of land of which the lot now being described is a part thence running and binding a part of said line south 3 degrees 45 minutes west 111.12 feet to the division line between lots numbered 269 and 270 on said plat and thence running and binding on said division line north 60 degrees 24 minutes west 657.54 feet to the place of beginning containing 1.42 acres of land more or less

Being the southern one half of lot numbered 270 as laid out on Plan C of Long Beach State which said plat is recorded among the Land Records of Baltimore County in Plat Book 170 No 3 folio 178

Being part of the lot firstly described in a deed from John Baier et al to Mary A Baier dated May 22nd 1939 and recorded among the Land Records of Baltimore County in Plat Book 170 No 967 folio 330 the said Mary A Baier having since married the said George M Phillips

Together with the buildings and improvements thereupon and the rights and advantages thereto pertaining to have and to hold the above described lot of ground and premises unto and to the use of the said Mary Baier her heirs and assigns forever in fee simple

And the said grantors hereby covenant that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of the said grantors
Mary A Phillips (SEAL)
Mildred A Appel (SEAL)

State of Maryland Baltimore City to wit
I Herewith Certify that on this 20th day of November 1939 before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City personally appeared Mary A Phillips and George M Phillips her husband the within grantors and they acknowledged the foregoing deed to be their act

Witness my hand and Notarial seal
(Notarial seal) Mildred A Appel
Notary Public

Recorded Mar 22 1939 at 11 A M & EXD Per C Willing Brown Jr Clerk

Witness
Christoph Gradi
Deed to
Marian L Teitelbaum and wife
\$ 7.00 S R T \$ 6.00

Witnesseth that in consideration of the sum of five dollars and other valuable considerations the receipt whereof is hereby acknowledged the said Christoph Gradi does grant and convey unto the said Marian L Teitelbaum and Bertha Teitelbaum his wife as tenants by the entirety their assigns the survivor or others and the heirs and assigns of the survivor all that lot or parcel of ground situate and lying in Baltimore County aforesaid

MICROFILMED

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Witness
Alice F Deering
James W Riley (SEAL)
Anne L Riley (SEAL)

State of Maryland
City of Baltimore to wit

I Herewith Certify that on this twenty first day of April 1939 before me the subscriber a Notary Public of the State of Maryland in and for the City aforesaid personally appeared James W Riley and Anne L Riley his wife the above named Mortgagees and each acknowledged the foregoing mortgage to be his act

At the same time also personally appeared Maurice E Skinner the Agent of the within body corporate Mortgagee and made oath in due form of law that the consideration of said mortgage is true and bona fide as therein set forth and also made oath that he is the agent of the Mortgagee and is duly authorized to make this affidavit

In Testimony Whereof I have hereunto set my hand and affixed my official seal the day and year aforesaid

(Notarial seal) Alice F Deering
Notary Public
Recorded April 24 1939 at 3:15 P M & EXD Per C Willing Brown Jr Clerk

PETITIONER'S
EXHIBIT 4

MICROFILMED

119560
Mary A Phillips and Husband
Deed to
Mary Baier
U S S \$50 S R T \$50

This Deed Made this 20th day of March in the year nineteen hundred and thirty nine by and between Mary A Phillips and George M Phillips her husband of Baltimore County State of Maryland party of the first part and Mary Baier of the same place party of the second part

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Mary A Phillips and George M Phillips her husband does hereby grant and convey unto Mary Baier her heirs and assigns in fee simple all that lot of ground and premises situate and lying in Baltimore County State of Maryland and described as follows

Beginning for the same at a point on the southeast side of Susquehanna Avenue at the division line between lots numbered 269 and 270 on Plan C of Long Beach Estates and running thence binding on the southeast side of Susquehanna Avenue as now located 30 feet wide north

MAR 14 1985

LAW OFFICES OF
ROCHLIN AND SETTLEMAN P.A.
SUITE 300
110 E. LEXINGTON STREET
BALTIMORE, MARYLAND 21202

October 9, 1984

Office of the Zoning Commissioner
Baltimore County, Maryland
County Office Building
Towson, Maryland 21204

RE: 1 Nunnery Lane, Catonsville

Gentlemen:

This letter is delivered to you concurrently with the filing of a Petition for Special Hearing regarding the above-referenced property. Its purpose is to request an expedited hearing date on the Petition, as this matter is a "hardship" case.

This property was purchased by my clients in April of 1980, and has been operated by them as a small grocery-liquor store. At the time of their purchase, no mention of the fact that this constituted an unapproved nonconforming use was made. They simply acquired the appropriate trader's and liquor licenses and continued the prior operation of the business.

Events have made it necessary for the Furbes to sell this property. They are forced to ask for a price only barely sufficient to cover the outstanding mortgage and costs of sale. Two different prospective purchasers have backed out of signed contracts due to the discovery that no licenses could be had until the nonconforming use is approved after a hearing held by your office.

Attached to this letter is an Affidavit of Frank H. Falter, Sr., one of the witnesses whose testimony the petitioners will rely upon. County records will show that the building was first constructed in 1939 in substantially the same design as now exists. As attorney for the petitioners, I can assure you that more than adequate proof exists to support approval of the continuation of this nonconforming use.

Given the meritorious nature of the Petition filed herewith, and the hardship nature of the petitioners' motivations in seeking approval as a prerequisite to sale of the property, I respectfully request on behalf of Mr. & Mrs. Furbee that the hearing on their Petition be scheduled as close to 30 days after field inspection as is possible.

Very truly yours,
Joseph F. Zauner, III

JFZ/dmr
Enc.

October 29, 1984

Joseph F. Zauner, III, Esquire
110 E. Lexington Street
Suite 300
Baltimore, Maryland 21202

NOTICE OF HEARING

RE: Petition for Special Hearing
NE/S Nunnery Lane, 171.7' NW of
c/l of Frederick Road (1 Nunnery Lane)
Donald G. Furbee, et ux - Petitioners
Case No. 85-148-SFH

TIME: 10:00 A.M.

DATE: Monday, November 26, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 134309

DATE: 10-11-84 ACCOUNT: R-01-615-574

AMOUNT: 109.00

RECEIVED FROM: F. J. Zauner, III, Esq.

FOR: F. J. Zauner, III, Esq.

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 11-3-84
Posted for: Special Hearing
Petitioner: Donald G. Furbee
Location of property: NE/S Nunnery Lane, 171.7' NW of c/l of Frederick Rd. (1 Nunnery Lane)
Location of Sign: In front of 1 Nunnery Lane
Remarks: [Signature]
Posted by: [Signature] Date of return: 11-9-84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., NOVEMBER 8, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 8, 1984.

THE JEFFERSONIAN,

Cost of Advertising 22.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 20, 1984

Joseph F. Zauner, III, Esquire
110 East Lexington Street
Suite 300
Baltimore, Maryland 21202

RE: Petition for Special Hearing
NE/S Nunnery Lane, 171.7' NW
of c/l of Frederick Rd. (1 Nunnery Lane)
Donald G. Furbee, et ux - Petitioners
Case No. 85-148-SFH

Dear Mr. Zauner:

This is to advise you that \$56.70 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135867

DATE: 11-20-84 ACCOUNT: R-01-615-111

AMOUNT: 56.70

RECEIVED FROM: Joseph F. Zauner, III, Esq.

FOR: Donald G. Furbee, et ux

VALIDATION OR SIGNATURE OF CARRIER

BERHOLD, CROSS & ETZEL

Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

October 10, 1984

Zoning Description

All that piece or parcel of land situate, lying and being in the First Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the northeast side of Nunnery Lane distant North 44 degrees 15 minutes West 171.7 feet measured along the northeast side of Nunnery Lane from the centerline of Frederick Road and running thence and blinding on the northeast side of Nunnery Lane North 44 degrees 15 minutes West 50 feet, thence leaving said Lane and binding on the property lines of the petitioners herein the three following courses and distances viz: North 45 degrees 45 minutes East 289.67 feet, South 44 degrees 26 minutes East 50 feet and South 45 degrees 45 minutes West 289.67 feet to the place of beginning.

PETITION FOR SPECIAL HEARING

1st Election District
LOCATION: Northeast side of Nunnery Lane, 171.7 feet Northwest of the centerline of Frederick Road (1 Nunnery Lane)
DATE AND TIME: Monday, November 26, 1984 at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use at 1 Nunnery Lane, Catonsville, Baltimore County, Maryland, as a grocery store.
Being the property of Donald G. Furbee, et ux as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY
JOC:Nov 8

Defendant

CERTIFICATE OF PUBLICATION OF

Office of
PATUXENT
10750 Little Patuxent Ferry
Columbia, MD 21044

November 8, 1984

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL HEARING

was inserted in the following:

[X] Catonsville Times
[] Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 10 day of November, 1984, that is to say, the same was inserted in the issues of

November 8, 1984

PATUXENT PUBLISHING CORP.

By: [Signature]

PETITION FOR SPECIAL HEARING

1st Election District

LOCATION: Northeast side of Nunnery Lane, 171.7 feet Northwest of the centerline of Frederick Road (1 Nunnery Lane)

DATE AND TIME: Monday, November 26, 1984 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use at 1 Nunnery Lane, Catonsville, Baltimore County, Maryland, as a grocery store.

Being the property of Donald G. Furbee, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MAR 14 1985

IN RE: PETITION SPECIAL HEARING * BEFORE THE
NE/S of Nunery Lane, 171.7' * ZONING COMMISSIONER
NW of the centerline of * OF BALTIMORE COUNTY
Frederick Road (1 Nunery *
Lane) - 1st Election District *
Donald G. Furbee, et ux, * Case No. 85-148-SPH
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a determination from the Zoning Commissioner as to whether a nonconforming use exists for a grocery store, as more particularly described on Petitioners' Exhibit 1.

Counsel appeared on behalf of the Petitioners. Also appearing and testifying on their behalf was Frank Falter, a neighbor and long-standing resident of the area. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.10-5, is improved with a 28' x 100' grocery store that was constructed in 1939. See Petitioners' Exhibit 3. Mr. Falter, who has lived in Catonsville all of his life, purchased his present home, about one block from the store, in 1939. He remembers that the store, called "Teitelbaum's", was then in existence and remembers Mr. and Mrs. Teitelbaum, the owners. See Petitioners' Exhibit 4, which is the deed transferring the property to Mr. and Mrs. Teitelbaum in 1939. Mr. Falter testified that the grocery store has been in continuous use at that location since 1939 and, in fact, he has sold products he manufactures to the various owners of the store over the years.

The Petitioners seek relief pursuant to Sections 104.1 and 500.7, BCZB.

The uncontested testimony, which was amply supported by the exhibits introduced, conclusively indicate that the property has been used continuously and without interruption as for a grocery store since at least 1939. Of course,

this amounts to a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of November, 1984, that the Petition for Special Hearing for a nonconforming use for a grocery store be and is hereby GRANTED, from and after the date of this Order, subject to the follow:

1. A revised site plan showing the parking configuration shall be submitted to the Zoning Commissioner.

R. S. H.
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Joseph F. Zauner, III, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

DATE *November 29, 1984*
BY *Stella P. Lough*

19-00-013825
ACCOUNT NO. 4672-0-1
OWNER: FURBEE, DONALD G.
NUNERY LANE

STATE OF MARYLAND
STATE DEPARTMENT OF ASSESSMENTS AND TAXATION
FIELD WORK SHEET FOR COMMERCIAL PROPERTY

Date: 1st Nov 10/10/84 Block 03 Parcel 1070 Use 06-C Building 1 of 2 Buildings

Actual Cost	18	18	18	18	18	18
Net Market						
Repaired Income						
Gross Sales						
Building No.		Phy. Cond.	AYER	Dimensions		
Use	GROCEARY	Date Built	1939	Perm.	382	M. B. 1.14
Site		Grade	AYER	Bq. Ft.	1678	
Storm				Cu. Ft.	44.764	

Exterior	Foundation	Black	Interior	Walls	Black	Service Features	Plumbing	1 W/D ROOM
	Roof	Black Brick		Floor	Wood		Heating	HOT WATER AIL
				Partition	PLASTER		Air Cond.	N/D

Repaired 7 Res 104 Base Value 46783

Style Adj.	BASE BLDG TOTAL	18	1278.79	1888.85	10	10	10
Story Adj.	- 750	453.79	453.79	453.79			
Grade Adj.	- 104			468.1			

Local/Time Adj. 143 67803 1736 2546

Reproduction Cost 2000 FWD 5714 5877 103840

Depreciation - 5000 2687 468881 - 568

Value 1785-86 Levy 31511 46773

Assessed Value 60% 15600 6246 46773

Remarks: MARKET FROM GROCERY Nunery Market

Very Poor Condition 2.84

1785-86 Levy 31511 46773

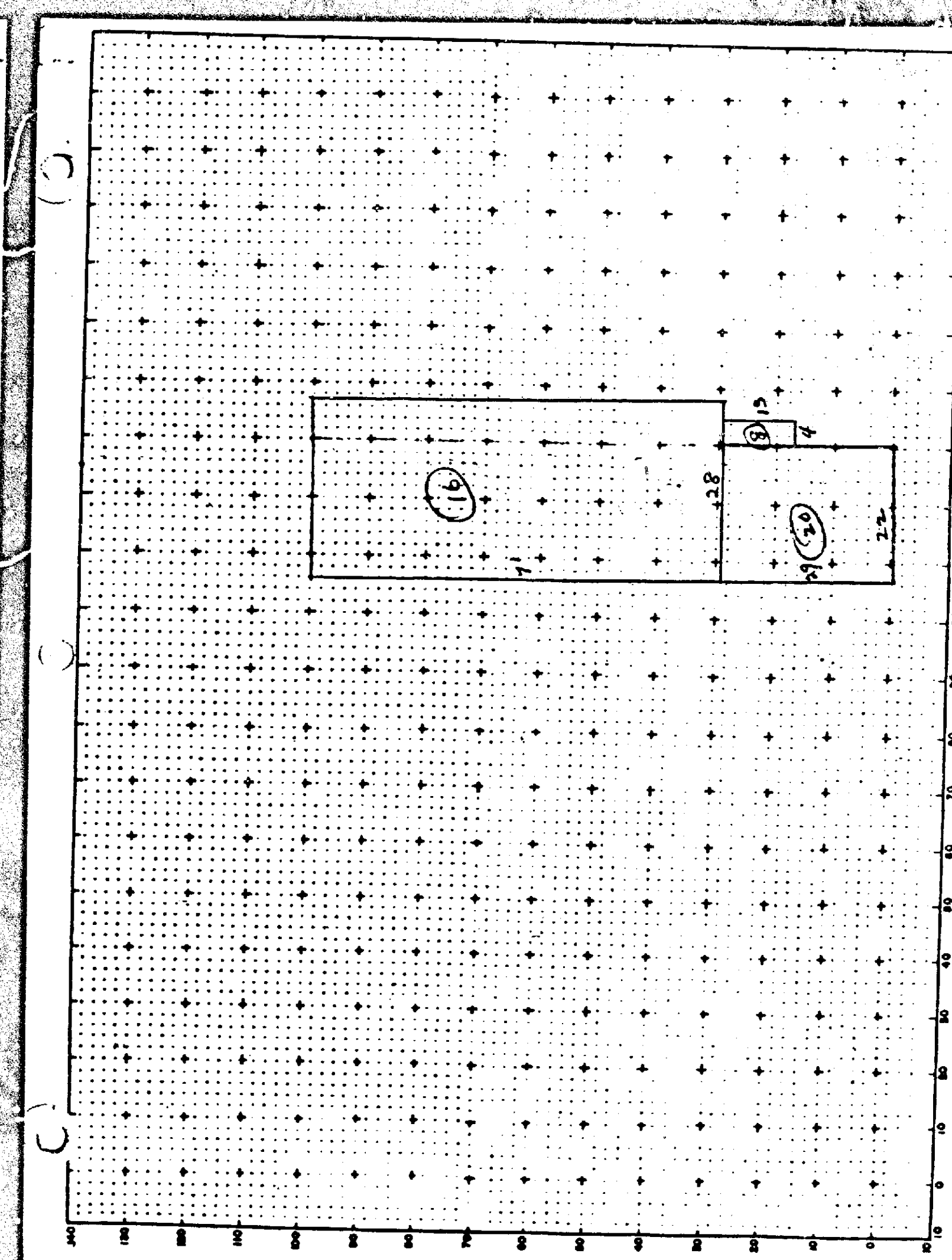
Planning 375 125

HWH 335 61

710 1988

1678

Form No. 830-1-71



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
December 11, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Joseph F. Zauner, III, Esquire
110 E. Lexington Street
Suite 300
Baltimore, Md. 21202

Case No. 85-148-SPH (Item No. 105)
Petitioner - Donald G. Furbee, et ux
Special Hearing Petition

Dear Mr. Zauner:

Enclosed please find additional comments submitted after my original comments of November 19, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bac

Enclosure

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

December 7, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #105 (1984-1985)
Property Owner: Donald G. Furbee, et ux
N/ES Nunery Lane 171.7' N/W from Frederick Rd.
Acres: 50 x 290
District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Baltimore County highway and utility improvements are not directly involved.

There is a 5'x5'-6" box culvert within a Baltimore County utility easement along the easterly side of the building on this site.

This property is partially within the present Maiden Choice Run 100-Year Design Storm Flood Plain. Further information may be obtained from the Baltimore County Bureau of Engineering, Storm Drain Design Section.

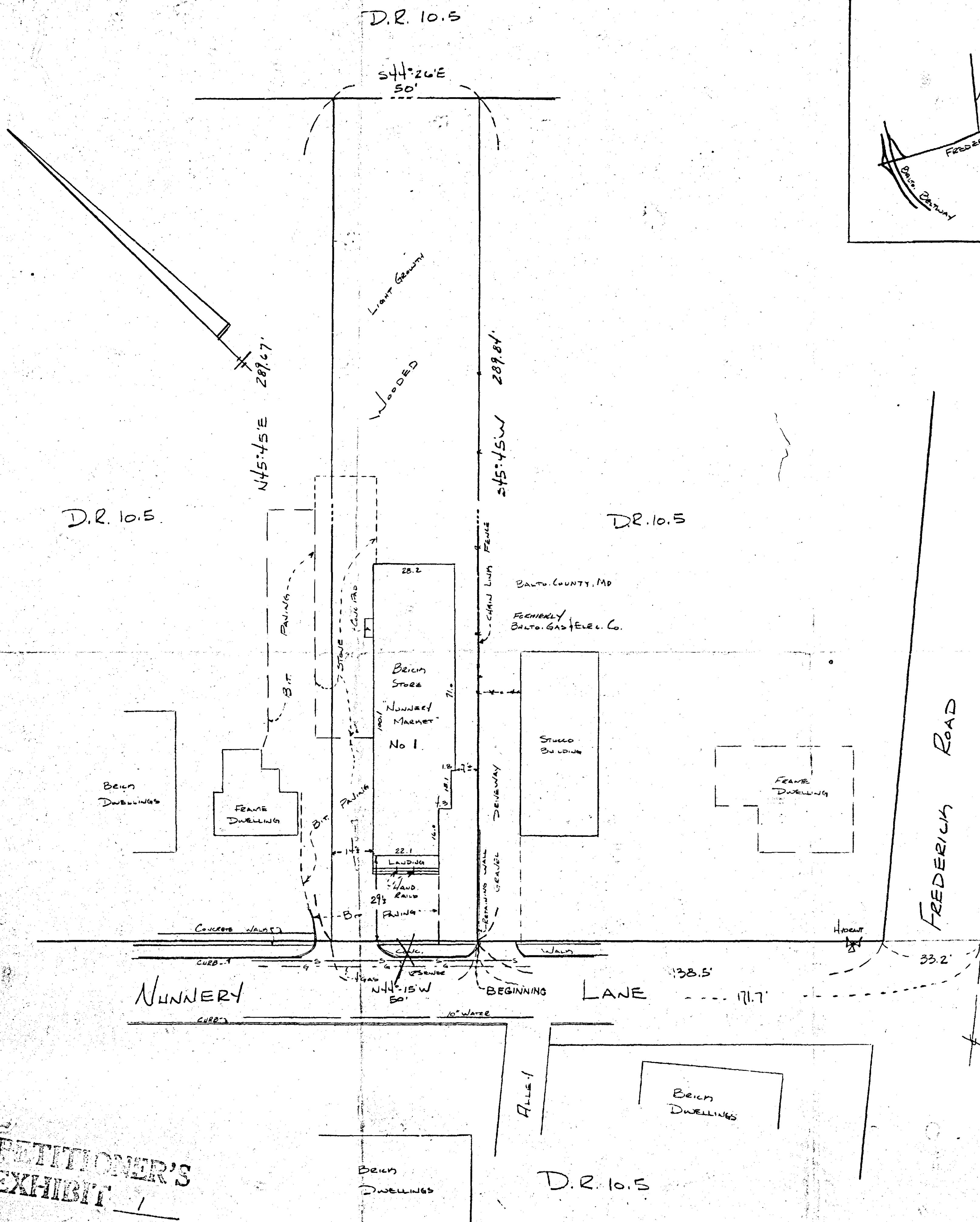
Very truly yours,

James A. Marshall, P.E.
JAMES A. MARSHALL, P.E., Chief
Bureau of Public Services

JAM:EAM:FWR:as

G-NW Key Sheet
8 SW 19 Pos. Sheet
SE 2 E Topo
101 Tax Map

11/26
85-148-SPH



PETITIONER'S
EXHIBIT

EXISTING ZONING - DR 10.5
12 ELEC. DIST. - BALTO. CO. MD.
PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
FOR NON-CONFORMING USE OF No. 1
NUNNERY LANE, CATONSVILLE MD, AS A
GROCERY RETAIL STORE AND A LIQUOR RETAIL
STORE

OWNER DONALD G FURBEE & WF
5504 LINK AVE
ARBUTUS, MD. 21227
PHONE 242-1073

1:20' OCTOBER 10, 1984
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

